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FILED  
2001 MAY 22 11:57 AM

CLERK OF SUPREME COURT

**IN THE SUPREME COURT OF GUAM**

**IN RE:** )  
 )  
**STEVEN A. ZAMSKY,** )  
 )  
**Respondent.** )

**Supreme Court Case No. ADC01-004**

**ORDER**

This matter comes before the Court upon the Stipulation and Admission of Facts and Consent to Discipline submitted on May 21, 2001 by Respondent and the Guam Bar Ethics Committee (GBEC) Prosecuting Counsel. In the stipulation, Respondent admitted and consented to the following:

1. On April 15, 1998, Respondent recklessly caused the automobile he was driving in Tamuning, Guam to strike a pedestrian. The Respondent left the scene of the accident. On June 9, 2000, Respondent entered a plea of no contest in the Superior Court of Guam to the offense of Reckless Conduct (as a misdemeanor), in violation of 9 GCA § 19.40(a)(1). Respondent's plea was accepted and the court subsequently entered a Judgment of Conviction against Respondent for such crime.

2. Reckless Conduct (as a misdemeanor) is a crime other than a non-serious traffic offense, and Respondent's conviction thereof was a violation of 7 GCA § 9206(a) and Rule 11(a) of the Rules.

3. In accordance with Rule 13(c) of the Rules, Respondent's entry of a plea of no contest is conclusive evidence in these disciplinary proceedings that Respondent committed the crime of Reckless Conduct (as a misdemeanor).

4. The Respondent is an attorney licensed to practice law on Guam and was so licensed at the times described above.

5. The Respondent shall be publically reprimanded by the Supreme Court of Guam, and the

1 Guam Bar Ethics Committee ("GBEC") shall publish the following:

2 Steven A. Zamsky, an attorney licensed to practice law, has been publicly  
3 reprimanded by the Supreme Court of Guam as a result of his conviction of the crime  
4 of Reckless Conduct which resulted from an automobile-pedestrian accident which  
5 occurred on April 15, 1998 in Tamuning, Guam.

6 6. The Respondent shall be placed on probation for a period of two (2) years following an  
7 entry of judgment by the Supreme Court of Guam.

8 7. As conditions of his probation the Respondent shall:

9 a. Obtain an evaluation of his use of alcohol from the Pacific Behavioral Clinic for  
10 Alcohol and Substance Abuse ("the Behavioral Clinic").

11 b. Follow and strictly comply with all diagnostic procedures and with any  
12 recommendations for treatment made by the Behavioral Clinic.

13 c. Provide the GBEC, within sixty (60) days of the entry of judgment, a written report  
14 of his evaluation by the Behavioral Clinic. The report shall confirm that Respondent has been  
15 evaluated with respect to his use of alcohol, and shall state whether counseling or other treatment  
16 is recommended. If counseling or treatment is recommended, the report shall advise the GBEC as  
17 to whether the Respondent has or is complying with such recommendations.

18 d. Respondent shall submit similar reports to the GBEC during the twelfth (12<sup>th</sup>) and  
19 twenty-fourth (24<sup>th</sup>) months following the entry of judgment.


20 e. The Behavioral Clinic shall agree to report to the GBEC the Respondent's failure  
21 to follow its recommended treatment, if any.


22 f. Respondent shall comply with all terms of probation imposed in Superior Court  
23 of Guam Criminal Case No. CM107-00.

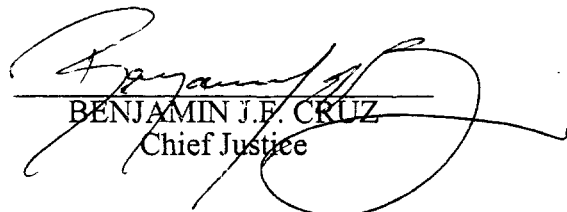
24 8. In the event Respondent should fail to provide the GBEC with the report of the Behavioral  
25 Clinic, shall fail to follow its recommendations for treatment or tests, if any, or in the event a  
26 submitted report should reflect adversely on the Respondent's fitness to practice law, then the GBEC  
27 may apply to the Supreme Court for the summary and indefinite suspension of the Respondent under  
28 13(a) of the Rules, provided that the procedures for a violation of Rule 13(a)(4) shall be followed  
prior to the imposition of summary suspension.

- 1           9. The Respondent shall bear all costs and fees of the Behavioral Clinic.
- 2           10. The Respondent agrees that a copy of this Stipulated Admission of Facts and Consent
- 3 to Discipline shall be provided to the Behavioral Clinic.
- 4           11. The Respondent hereby waives any physician, psychologist, psychiatrist, or
- 5 counselor/patient privilege and agrees that the Behavioral Clinic shall disclose any and all
- 6 statements, information, evaluations, or reports to the GBEC, on its request.
- 7           12. Within ninety (90) days of the entry of judgment, the Respondent shall pay to the Guam
- 8 Bar Association the fees and costs incurred in this matter, including the cost of publishing the public
- 9 reprimand in the Pacific Daily News and the Guam Variety, provided that one-third (1/3) of such
- 10 charges shall be paid within sixty (60) days. As of May 1, 2001, the fees and costs of the prosecuting
- 11 Counsel are Three Thousand One Hundred Five Dollars (\$3,105).
- 12           13. The Respondent understands that he is waiving his right to a hearing and a determination
- 13 by the GBEC and his right to review by the Supreme Court of Guam.
- 14           14. The GBEC accepts the above stipulations and the discipline outlined therein.
- 15           The members of the GBEC, Prosecuting Counsel, and Respondent having agreed to the terms
- 16 of discipline and other provisions in the stipulation, this Court hereby approves the stipulation and
- 17 orders Respondent to comply with the provisions therein. Pursuant to the terms of the stipulation
- 18 and Rule 12(b) of the Supreme Court Rules for the Discipline of Attorneys, Respondent is hereby
- 19 placed on probation for a period of two years beginning on the date this Order is filed.

20           **SO ORDERED** this 22 day of May, 2001.

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23           PETER C. SIGUENZA, JR.  
24           Associate Justice

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22           \_\_\_\_\_  
23           F. PHILIP CARBULLIDO  
24           Associate Justice

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25           \_\_\_\_\_  
26           BENJAMIN J.F. CRUZ  
27           Chief Justice